

**TWENTY-NINTH DAY**

(Tuesday, February 26, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Fuller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Reports of Standing Committees**

Senator Kazen submitted the following reports:

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 90, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 251, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 181, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 116, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 130, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 33, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 55, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,  
February 25, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 275, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
February 25, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 225, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
February 25, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 237, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
February 25, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 236, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendment and be printed.

WEINERT, Chairman.

Senator Owen submitted the following report:

Austin, Texas,  
February 25, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 248, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Secrest submitted the following report:

Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Banking, to whom was referred S. B. No. 211, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Chairman.

Senator Martin submitted the following report:

Austin, Texas,  
February 21, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred S. B. No. 98, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MARTIN, Chairman.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
February 26, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 14, Requesting the Texas Legislative Council to prepare and distribute to Members of the Legislature a summary report of in-

formation it has compiled and published on the State's tax structure.

H. B. No. 130, A bill to be entitled "An Act fixing maximum salaries for Justices of the Peace and Constables in certain counties; providing for car allowance; containing a severability clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

(With Engrossed Riders.)

S. C. R. No. 32, Inviting the Members of the 55th Texas Legislature to participate in the observance of the 121st Anniversary of the signing of the Texas Declaration of Independence.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Weinert:

S. B. No. 289, A bill to be entitled "An Act Creating 'Plum Creek Conservation District' under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that hearing on exclusion of lands or on adoption of plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes for improvements, maintenance, operation and administration of the District; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure deposits of public funds; exempting the District's bonds from taxation; providing for a confirmation election; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Parkhouse:

S. B. No. 290, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads

and highways in Dallas County by authorizing the county to issue certificates of indebtedness for the purpose of acquiring right of way for designated State highways or Federal highways when the acquisition of such right of way is approved by the State Highway Commission, and payment of expenses in connection with such acquisition; requiring the levy of a tax to pay such certificates and the interest thereon; requiring such certificates to be approved by the attorney general and registered by the comptroller of public accounts and prescribing the effect thereof; enacting other provisions relating to the subject; and declaring an emergency."

To the Committee on Counties, Cities, and Towns.

By Senators Hazlewood and Lane:

S. B. No. 291, A bill to be entitled "An Act making it unlawful for any director, officer, manager, agent, employee, attorney-in-fact or any other person wholly or partially responsible for the conduct of any insurance company, corporation, association, title insurance company, fraternal benefit society, mutual life insurance company, local mutual aid association, statewide mutual assessment company, county mutual insurance company, Lloyds, reciprocal or inter-insurance exchange, group hospital service, or any other insurer licensed to transact an insurance business in the State of Texas to fail to report to the Board of Insurance Commissioners any known impairment of the minimum capital, or minimum surplus, or minimum capital and surplus required by law to be maintained by any such insurer, within five (5) days after he shall have had knowledge of such impairment; providing penalties for violations of this Act; providing venue of any offense under this Act; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hazlewood:

S. B. No. 292, A bill to be entitled "An Act amending Article 297 of the Penal Code of Texas, 1925, as amended, and Article 2892 of the Revised Civil Statutes, 1925, as amended, providing for the compulsory attendance of children in the public schools, and declaring an emergency."

To the Committee on Education.

By Senator Colson:

S. B. No. 293, A bill to be entitled "An Act authorizing the Board of Regents of the State Teachers Colleges to execute and deliver to the State Highway Commission a right-of-way easement for the construction and maintenance of a U.S. Highway 75 by-pass loop extending along and across certain State property owned by the State of Texas for the use and benefit of Sam Houston State Teachers College; and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 294, A bill to be entitled "An Act repealing the Securities Act of Texas and the Insurance Securities Act of Texas as embraced in Articles 579 and 580 of Vernon's Civil Statutes of Texas, with savings clause as to pending proceedings or actions; and substituting for both such acts a single act comprehensively providing for the regulation of the sale of securities and of dealers, agents and salesmen who sell securities, this new act to be known as "The Securities Act"; creating the State Securities Board and providing for appointment of Securities Commissioner; providing for a Deputy Securities Commissioner and delegation of authorities of commissioner to him; providing for the administration and enforcement of the act by the Securities Commissioner and the Attorney General and local law enforcement officials; defining words and phrases; listing exempt transactions and exempt securities; providing for the qualification of securities by notification or by coordination or by application for permit and issuance of permit by Commissioner; providing for information required for issuance of permit or registration; providing for consent to service and certificate of good standing; providing for protection to purchasers of securities; outlining procedure for examination of application by the Commissioner and his granting or denying such applications, for the form and content of permits, their term, and their renewals; prohibiting the use of a permit to aid sale of securities; providing the papers filed with the Commissioner and records shall be open to inspection; providing for registration of persons selling as dealers or as agents or salesmen of dealers; method of their registration; providing bases for denial,

suspension or revocation of registration as a dealer or agent or salesmen; providing for issuance of registration certificates and as to their form; providing for consent to suit in this state by dealers who are foreign corporations or nonresidents; providing for annual registrations and renewals; for sales by authorized persons; providing that display or advertisement of fact of registration is unlawful; providing for the posting of certificates of authority; regulating advertising of securities; providing that the Commissioner may require the filing of lists of securities providing for notice and hearing as to securities questioned by the Commissioner; providing for hearings by the Commissioner upon notice, upon exception by any party at interest to actions of the Commissioner; providing for revocation of registration of any dealer or agent or salesmen of any dealer upon hearing after notice; providing for notices by registered mail; providing for petition to the District Court of Travis County on complaint of any decision of the Commissioner; providing for subpoenas and other process of investigations by the Commissioner; prescribing penalties for violation of the Act; providing that certified copies of papers be filed with the Commissioner, as evidence; providing for construction of the Act; providing for injunctions; providing that sales in violation of the Act are voidable and for actions by purchasers; providing for actions for commissions and as to allegations and proof of compliance with the Act; providing for payment of fees to the Commissioner; deposit thereof to the General Revenue Fund; providing as to the pleading of exemptions under the Act; providing for severability of any part of the Act void or unconstitutional; declaring an emergency and providing the effective date of the Act."

To the Committee on State Affairs.

#### Senate Resolution 161

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery 75 students in American and Texas History from Smithville High School in Smithville, Texas, accompanied by Mrs. James Lyda and Mr. Edward E. Tisdale, their teachers; and

Whereas, These students and guests

are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn first-hand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to their classes in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mr. Tisdale to the Members of the Senate.

#### Senate Resolution 162

Senator Owen offered the following resolution:

Whereas, The faith of the Citizenry of the great State of Texas in honorable, orderly and moral government, has been shaken to its very foundations by the revelation of certain irregularities and breach of the public trust by certain insurance companies and particularly the Insurance Company of Texas; and

Whereas This shocking and wanton disregard of the welfare of the citizens of the State impels the Senate of the State of Texas to investigate this matter; and

Whereas, The Senate as a legislative body should be ever mindful of its responsibilities in its role as one of the guardians of those principles of good government established for us by those who gave their lives for sound and principled government; and

Whereas, The Senate of the State of Texas should take this opportunity to forcefully assert itself by striking a blow for moral liberty and eradicate the destroyers of public trust and confidence; and

Whereas, We deem it necessary and to the public interest of the people of the State of Texas that a forceful and forthright Senate investigating committee be appointed with the powers as hereinafter set forth; now, therefore, be it resolved

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five members of the Senate, one of which shall

be designated Chairman, to sit at such times and places between this date and April 10, 1957, as may to said committee seem necessary and proper, provided, however, that said committee shall only be called into session and sit for the purpose of transacting business of holding hearings. The attendance of three members shall constitute a quorum and no business shall be transacted unless such a quorum is present. In the event the Chairman shall fail or refuse to call a meeting of the committee after having a request to do so by a majority thereof, then the committee may be called by a majority thereof.

Sec. 2. The Committee shall have the power to investigate in any manner deemed advisable by said Committee, the affairs, acts and relationships or status of the Insurance Company of Texas, its directors, officers, employees, agents, stockholders and any other company association or person in any manner connected with and which may be relevant to a thorough investigation of the affairs of said company, such investigation shall further include any other matter which may have a bearing upon the suspicious activities of insurance companies.

Sec. 3. Said Committee shall have the power to formulate its own rules of procedure and evidence, provided, however, that in the absence of a ruling of said Committee, the general rules of evidence and procedure of the State courts of Texas shall prevail, such rules and procedure may be altered by Committee at will. The Committee is authorized to provide for its own hours of meeting, recessing and adjournment and may in its sole discretion hold executive meetings upon a vote of a majority of said members, at which time the Committee may be governed by the rule of evidence applicable to any grand jury in this State.

Sec. 4. The Committee shall act and function upon a majority vote of its entire membership, and not otherwise. A full written report of the Committee's investigation shall be made as herein provided. Each and every report made by such Committee shall be signed by at least a majority of said Committee; except however, a minority report may be made at any time within ten days after a majority report has been made, by or upon the signature of any two members of said Committee. Such Committee shall

have the full power to issue process for witnesses, records or any other matter presently contemplated by law to any place in this State and shall have the power to compel the attendance of any witness so subpoenaed or any books or records so subpoenaed; and the further power to enforce such process by issuance of writs of attachment, which may be addressed to and served by either the Sergeant of Arms, appointed by said Committee, or any employees of the Department of Public Safety, or any Sheriff, or any Constable of this State; and said Committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided by general law. Said Committee shall have power to inspect and make copies of any books, records or files of the company under investigation and any and all other instruments and documents pertinent to the matter under investigation, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with said company. The Committee shall further have all of the powers necessary in order to accomplish the purpose for which it is appointed, to be cumulative with powers under the general law.

Sec. 5. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 6. Said Committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers and other necessary employees. It shall be the duty of said Committee to make and keep a record of its investigations. The funds for the operation of said Committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the 55th Legislature, and out of any fund otherwise appropriated for such purposes, upon the sworn account of person entitled to such pay when approved by Chairman of said Committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said 55th Legislature to make the payment of all expenses hereunder and as an incident to said investigation.

Sec. 7. Said Committee may call upon the Attorney General's Department, Auditing Department and any

or all other departments for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions and give counsel and assistance to said Committee upon request of Chairman or members of said Committee.

Sec. 8. That said Committee shall as soon as is reasonably convenient upon the expiration of said Committee, submit a report in writing to the 55th Legislature and may make such recommendations or state such conclusions as it may deem advisable.

OWEN  
BRACEWELL

The resolution was read and was adopted.

#### Senate Resolution 163

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Class of Blackwell High School, Nolan County, accompanied by their superintendent, Mr. George Stoepler; and

Whereas, These students are on an educational tour of the Capitol Building the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Ratliff by unanimous consent presented the students and Mr. Stoepler to the Members of the Senate.

#### Senate Resolution 164

Senator Fly offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Fifth, Sixth and Seventh Grades of the Kemper City School of Victoria County, Texas, accompanied by their teachers, Mr. G. O. Lala, Mr. O. C. Matthews, and Mrs. Brinner; and

Whereas, These students are on an

educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students and teachers to the Members of the Senate.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 151, A bill to be entitled "An Act to amend Section 6 and Section 15 of Senate Bill 226, Acts of the 50th Legislature, Regular Session, 1947, Chapter 178, page 288 (codified as Section 6 and Section 15, Articles 6716-1 Vernon's Civil Statutes) so as to increase the compensation of the County Road Engineer; and to provide for the method of purchasing equipment, materials and supplies for the county road and bridge department and the approval and payment of claims therefor; providing a repealing clause; providing a severability clause; and declaring an emergency."

H. C. R. No. 36, Enrolling Clerk to make certain corrections in H. B. No. 200.

H. B. No. 200, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of a tract or parcel across Callo del Oso in Nueces County, lying under, along, and adjacent to the Causeway and its approaches on State Highway No. 358; providing that this conveyance shall not interfere nor conflict with the rights of the State Game and Fish Commission except that the State Highway Department shall have the right to take material from said tract without compensation therefor; and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act amending House Bill 757, Acts of the 54th Legislature, Regular Session, 1955, ch. 439, p. 1156, relating to fishing in the waters of Caddo Lake so as to delete therefrom the application of said Act to the waters of Caddo Lake in Marion County and to make its provisions applicable only to the waters of Caddo Lake in Harrison County; and declaring an emergency."

H. C. R. No. 18, Granting Coca-Cola Bottling Company permission to sue the State of Texas.

#### Senate Resolution 165

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. F. M. Leffarge of Amarillo, Texas, prominent civic leader of Amarillo and a faithful church worker; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and be extended the privileges of the floor for the day.

The resolution was read and was adopted.

#### Senate Bill 154 on Second Reading

Senator Martin moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 154 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith

Weinert  
Willis

Wood

Nays—1

Moffett

Absent—Excused

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 154, A bill to be entitled "An Act relating to adult probation and parole; authorizing courts with original jurisdiction of felony criminal actions to suspend the imposition or the execution of sentence in certain cases and to place the defendant on probation, setting up a system of probation and the means of financing supervisory probation officers who shall be responsible to the direction of the appropriate courts; designating the Board of Pardons and Paroles created by the Constitution to determine which prisoners may be paroled from the Prison System of this State with the Governor's approval, etc., and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend Senate Bill No. 154 in the following respects:

1) By deleting the first paragraph of Section 9.

2) By deleting Section 10 and inserting in lieu thereof the following:

For the purpose of providing adequate probation services, the judge or judges having original jurisdiction of criminal actions in the county or counties, if applicable, are authorized as hereinafter provided to employ and designate the titles and fix the salaries of probation officers, and such administrative, supervisory, stenographic, clerical, and other personnel as may be necessary to conduct pre-sentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of probation. Only those persons who have successfully completed education in an accredited college or university and two years full time paid employment in responsible probation or correctional work with juveniles or adults, social welfare work, teaching or personnel work, shall be eligible

for appointments as probation officers, provided that additional experience in any of the above work categories may be substituted year for year for the required college education, with a maximum substitution of two years.

It is the further intent of this Act that the caseload of each probation officer not substantially exceed 75 probationers.

Where more than one probation officer is required, the judge or judges shall appoint a chief adult probation officer or director, who, with their approval, shall appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the court.

Provided that the judge or judges, with the approval of the juvenile board of the county may authorize the chief probation or chief juvenile officer to establish a separate division of adult probation and appoint adult probation officers and such other personnel as required. It is the further intent of this Act that the same person serving as a probation officer for juveniles shall not be required to serve as a probation officer for adults, and vice versa.

The judge or judges may, with the approval of the director of parole supervision, designate a parole officer or supervisor employed by the Division of Parole Supervision as a probation officer for the county or district.

Probation officers shall be furnished transportation, or alternatively, shall be entitled to an automobile allowance for use of personal automobile on official business, under the same terms and conditions as is provided for sheriffs.

The salaries of personnel, and other expenses essential to the adequate supervision of probationers, shall be paid from the funds of the county or counties comprising the judicial district or geographical area served by such probation officers. In instances where a district court has jurisdiction in two or more counties, the total expenses of such probation services shall be distributed approximately in the same proportion as the population in each county bears to the total population of all those counties, according to the last preceding or any future federal census. In all the instances of the employment of probation officers, the responsible judges and county commis-



sioners are authorized to accept grants or gifts from other political subdivisions of the State or associations and foundations, for the sole purpose of financing adequate and effective probationary programs in the various parts of the State. For the purposes of this Act, the municipalities of this State are specifically authorized to grant and allocate such sums of money as their respective governing bodies may approve to their appropriate county governments for the support and maintenance of effective probationary programs. All grants, gifts, and allocations of the character and purpose described in this section shall be handled and accounted for separately from other public funds of the county.

The amendment was adopted.

Senator Ashley offered the following amendment to the bill:

Amend Senate Bill No. 154 in the following respects:

(1) By deleting Section 1 and inserting in lieu thereof the following:

It is the purpose of this Act to place wholly within the State courts of appropriate jurisdiction the responsibility for determining when the imposition or execution of sentence in certain cases shall be suspended, the conditions of probation, and the supervision of probationers, in consonance with the powers assigned to the Judicial branch of this Government by the Constitution of Texas. It is also the intent of this Act to provide for the release of persons on parole and for the method thereof, to designate the Board of Pardons and Paroles as the responsible agency of state government to recommend determination of paroles and to further designate the Board of Pardons and Paroles as responsible for the investigation and supervision of persons released on parole. It is the final purpose of this Act to remove from existing statutes the limitations, and questions of constitutionality, that have acted as barriers to effective systems of probations and paroles in the public interest.

(2) By deleting paragraph "g" in Section 2, and inserting in lieu thereof the following:

g. "Division" shall mean the Division of Parole Supervision of the Board of Pardons and Paroles.

(3) By deleting the first paragraph

in Section 15, and inserting in lieu thereof the following:

The Board is hereby authorized to release on parole with the approval of the Governor any person confined in any penal or correctional institution of this State, except persons under sentence of death, who has served one-third ( $1/3$ ) of the maximum sentence imposed; provided that in any case he may be paroled after serving fifteen years; and provided further that where the maximum sentence is not four times as great as the minimum sentence, and the convict has served the minimum sentence, and where the maximum sentence is greater than four times the minimum sentence, and the convict has served one-fourth ( $1/4$ ) of the maximum sentence, such convict may be paroled during good behavior for the balance of the term imposed upon him. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

(4) By deleting Section 26, and inserting in lieu thereof the following:

The Board of Pardons and Paroles shall have general responsibility for the investigation and supervision of all prisoners released on parole. For the discharge of this responsibility, there is hereby created with the Board of Pardons and Paroles a Division of Parole Supervision. Subject to the general direction of the Board of Pardons and Paroles, the Division of Parole Supervision including its field staff shall be responsible for obtaining and assembling any facts the Board of Pardons and Paroles may desire in considering parole eligibility, and for investigating and supervising paroled prisoners to see that the conditions of parole are complied with, and for making such periodic reports on the progress of parolees as the Board may desire.

(5) By deleting Section 28, and inserting in lieu thereof the following:

Salaries of all employees of the Division of Parole Supervision shall be governed by appropriation acts of the Legislature. The Board of Pardons and Paroles shall appoint a Director of the Division, and all other employees shall be selected by the Director, subject to such general policies and regulations as the Board may approve.

It is expressly provided, however, that no person may be employed as a

parole officer or supervisor, or be responsible for the investigations, surveillance, or supervision of persons on parole, unless he meets the following qualifications together with any other qualifications that may be specified by the Director of the Division, with the approval of the Board of Pardons and Paroles; 26 to 55 years of age, with four years of successfully completed education in an accredited college or university; and two years of full-time paid employment in responsible correctional work with adults or juveniles, social welfare work, teaching, or personnel work. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution of two years.

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

#### Senate Bill 154 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 154 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

#### Nays—1

Rogers

#### Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 145 on Second Reading

Senator Owen moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 145 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Owen
Bracewell	Parkhouse
Bradshaw	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Moffett	

#### Nays—4

Ashley	Herring
Colson	Martin

#### Absent

Moore

#### Absent—Excused

Fuller

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 145, A bill to be entitled "An Act amending Chapter 352, General Laws, Regular Session, 53rd Legislature, 1953 (codified as Article 7519a and 7519b), so as to declare as abandoned all certified filings heretofore filed with and permits heretofore issued by the Board of Water Engineers and permits hereafter issued by the Board of Water Engineers or its successor, which certified filings and permits authorize the appropriation of public waters, when no part of the waters authorized to be appropriated has ever been put to beneficial use at any time during a ten-year period preceding the effective date of this

Act or the date of cancellation proceedings authorized hereby; etc.; and declaring an emergency."

The bill was read the second time.

Question—Shall H. B. No. 145 be passed to third reading?

#### Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

To the Senate of the Fifty-fifth Legislature:

I appreciate the unanimous action of the Senate on February 25 consenting to my request for withdrawal of certain appointments to the Board of Regents of the University of Texas and the Board of Directors of A. and M. College. As stated in my message requesting withdrawal of these nominations, the purpose was to preserve the precedent heretofore established and approved by an Attorney General's opinion that the "duty or privilege of appointment, in this instance, is that of the incoming administration."

As stated further in my message, the nominees under consideration are capable and qualified persons. I added:

"Some of them had been recommended to me, and I would have appointed them myself. I will no doubt resubmit some if not all of them for your consideration. Unless and until this is done, there is and will remain a question as to the legality of their appointments."

Thus, I attempted to make it clear that I was concerned with the principle and policy involved rather than with any person or political objection to the nominees. As further evidence of this fact, I have given careful consideration to the qualifications of each of these parties and hereby ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Regents, The University of Texas, for six-year terms:

J. P. Bryan of Freeport, Brazoria County,

Thornton Hardie of El Paso, El Paso County,

Joe C. Thompson of Dallas, Dallas County;

To be members of the Board of Directors, Agricultural and Mechanical College of Texas, for six-year terms:

Eugene B. Darby of Pharr, Hidalgo County,

Herman Heep of Buda, Hays County, and Austin, Travis County,

L. H. Ridout, Jr., of Dallas, Dallas County, (reappointment).

I further suggest for your consideration legislation fixing definite dates for the beginning and ending of the terms of these nominees and all other members of these Boards in order that the question will not arise again as to the right and duty of appointment by the incoming governor.

Respectfully submitted,  
PRICE DANIEL,  
Governor of Texas.

#### House Bills on First Reading

The following bills received from the House were read first time and referred to the committees indicated:

H. B. No. 130, To the Committee on Counties, Cities and Towns.

H. B. No. 265, To the Committee on State Affairs.

H. C. R. No. 14, To the Committee on State Affairs.

#### SPECIAL NOTICE

The President announced that Senator Hazlewood would on tomorrow call up for consideration H. B. No. 4.

#### Recess

On motion of Senator Hardeman the Senate at 11:55 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

#### TWENTY-NINTH DAY

(Continued)

(Wednesday, February 27, 1957)

#### After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

#### House Bill 145 on Second Reading

The President laid before the Senate as pending business on its second reading and passage to third reading H. B. No. 145 (the bill having been